IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

LETTERS PATENT APPEAL NO.64 OF 2005

IN

WRIT PETITION NO.9470 OF 2004

Shri Vishwas Ramchandra Agalave
and others : Appellants.

versus

Chinchwad Deosthan Trust
and others : Respondents.

Ms.Sharvari Shailendra i/by Mr.P.S.Dani for the appellants.
Mr.S.V.Pitre for Respondent No.1.
Mr.R.M.Patne, AGP, for Respondent No.7.

CORAM : J.N.PATEL &
A.A.SAYED, JJ.
DATED : OCTOBER 15, 2007.

P.C.

1. Heard learned counsel for the parties. The appellants are the original petitioners who have filed this LPA against the order of the Single Judge dated 2nd March 2005 passed in the proceedings under Section 41A of the Bombay Public Trust Act 1950. By the impugned order the learned Single Judge directed, by way of interim measure that in so far as sharing of offerings to the deity is concerned, that may be examined by the District Judge in accordance with the prevailing practice in other Ashtavinayakas by way of guidance. Further injunction on the appellants i.e. Poojaries is that they would not disturb the donation boxes until the District Judge comes out with final proposals.

3. We find that the scheme administering the respondent-trust stood modified by substituting the District Judge by Joint Charity Commissioner, Pune. The dispute is in respect of sharing of the offerings by the appellant-poojaries and the trust which is already provided for under the scheme.

4. It appears that the dispute between the appellants-poojaries and the trust arose as it was noticed by the trustees that the poojaries are preventing/obstructing offerings, donation by devotees who were tendering them in the donation boxes kept for the said purposes.

5. In our view, only modification of the impugned order required is that in the place of District Judge, the direction ought to have been given to the Joint Charity Commissioner to look into the matter. We, therefore, modify the impugned order accordingly and direct the Joint Charity Commissioner, Pune to personally look into the matter and issue appropriate directions so as to regulate the sharing of offerings between the poojaries and trustees in accordance with the scheme and that the poojaries do not exceed their rights to corner the donations which are meant for the trust.

6. We further make it clear that the aggrieved parties can move the appropriate authorities in the matter after the Joint Charity

Commissioner, Pune complies with the directions issued by this Court.

7. We expect the Joint Charity Commissioner Pune to take decision in the matter within a period of six weeks from the date of receipt of this order. This order be communicated to the Joint Charity Commissioner by the learned counsel appearing for the parties and extend their co-operation in resolving the dispute. Till the Joint Charity Commissioner, Pune takes decision in the matter, the present arrangement would continue to operate. With this modification and the aforesaid directions the LPA stands disposed of accordingly with no order as to costs.

8. Civil Applications filed in this matter do not survive. They are disposed of accordingly.

[A.A.SAYED,J] **[J.N.PATEL,J]**